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REMARKS

Claims 1 and 7 are pending in the Application. Claims 8 and 9 are withdrawn. Support for the amendment to claims 1, 8, and 9, to clarify that the acid containing and functional monomers are limited to a particular group of monomers, is found in the specification on page 4, lines 10-14. The amendment to claim 7 is to remove repetition of the cosmetically acceptable solvent component.

Rejection under 35 USC 102(b) as being anticipated by US 6,136,884 ("884")

Claims 1 and 7 are rejected under 35 USC 102(b) as being anticipated by '884 in that '884 discloses a latex composition for hair care which comprises a hybrid graft copolymer further comprising at least two distinct polymers similar to those of Applicants' invention.

The compositions disclosed in '884 comprise hybrid-graft copolymers having a sulfopolyester grafted with one or more acid-functional polymers. These polymers are hybrid graft copolymers made up of a sulfopolyester backbone upon which one or more acid functional polymers are grafted. These polymers do not anticipate Applicants' polymer compositions for two reasons.

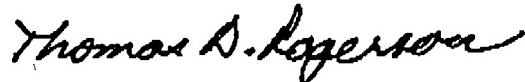
First, Applicants' polymer mixture is limited to polymers made up of specific monomers. As now amended, the polymers of Applicants' compositions do not include monomers which would result in sulfopolyester functionality. As a result, Applicants' polymer mixture is not anticipated by the polymers disclosed in '884.

Second, The polymers utilized in the compositions of '884 are in the form of a single polymer (a graft copolymer) made up of two or more polymer segments rather than a mixture of polymers. The '884 patent provides a great deal of information related to the physical/chemical properties of the individual polymer segments utilized in the graft copolymer. These include glass transition temperature ("Tg") data for the individual copolymer segments (i.e., the sulfopolyester and the acid functional polymer). However, the graft copolymer itself has only a single glass transition temperature (see col. 3, lines 32-34 and Example 1, col. 13, lines 28-29). This clearly indicates that the graft copolymer is not two polymers with different Tg values but, rather, functions in the composition as a single polymer with physical/chemical/mechanical properties, such as, for example storage modulus, that would reflect those of the single polymer. The enclosed Declaration Under 37 CFR 1.132 of Fanwen Zeng provides Tg data for Applicants'

Example 4b. These Tg data show that in the mixtures of polymers of Applicants' invention, two Tg's are observed, clearly indicating that the composition will reflect the physical/chemical/mechanical properties of a polymer mixture rather than that of a single polymer. It is the combination of properties of two separate polymers (as reflected in the two different Tg's) that provide the unique properties of Applicants' invention compared with the properties one would expect from a single polymer (for example, the graft copolymers of '884).

With this amendment and response, Applicants believe that the claims are distinguished over the cited reference and are now in condition for allowance. Should the Examiner have any suggestions which may put the Application in better condition for allowance, Applicants' attorney is willing to discuss any such suggestions either by phone or at the U. S. Patent and Trademark Office.

Respectfully submitted,



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